

DOCKET NO.: WARF-0138 (P98103CIP)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Spalding, Et Al.

Serial No.: 09/817,762

Filing Date: March 26, 2001

For: MDR-LIKE ABC TRANSPORTER GENE FROM PLANTS

Confirmation No.: 7874

Group Art Unit: 1638

Examiner: Medina Ahmed Ibrahim

EXPRESS MAIL LABEL NO: EV 160093183 US
DATE OF DEPOSIT: March 3, 2003

EV160093183US

Box ☐ NON-FEE
☐ AF

Assistant Commissioner for Patents
Washington DC 20231

Sir:

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated October 2, 2002.
- ☐ An Amendment Supplemental to the Paper filed
- ☐ Other:
- ☒ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
 - ☐ an Independent Inventor
 - ☐ a Small Business Concern

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- ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows:
- ☒ Other Material as follows: "Amino Acid Alchemy Transmutes Sheets to Coils," Science, 07/11/97, Vol. 277 Issue 5323, p 179, 1p, 1c, Service, Robert F. (3 pages); "Genes Galore: A Summary of Methods for Accessing Results from Large-Scale Partial Sequencing of Anonymous *Arabidopsis* cDNA Clones", Newman, et al., Plant Physiol. (1994) 106: 1241-1255 (15 pages); AA3944594.26163 Lambda-PRL2. (2 pages).

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FEE CALCULATION

☐ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	24	45 (20 MINIMUM)	0	\$9 EACH	\$0	\$18 EACH	\$
INDEP. CLAIMS	3	6 (3 MINIMUM)	0	\$42 EACH	\$0	\$84 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$0	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$0	\$110	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$205	\$205.00	\$410	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$465	\$0	\$930	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$725	\$0	\$1450	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$985	\$0	\$1970	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$0)	Minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:					\$0		
TOTAL FEE DUE					\$205.00		\$

☒ A check in the amount of **\$205.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.

☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of October 2, 2002 to and through March 2, 2003 comprising an extension of the shortened statutory period of two (2) month(s).

☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is provided in duplicate.

☐ The foregoing amount due for filing this paper.

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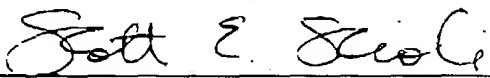
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- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 CFR § 1.16.
- ☒ Any additional patent application processing fees under 37 CFR § 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: March 3, 2003



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DOCKET NO.: WARF 0138 (P98103 CIP)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Edgar P. Spalding And Bosl Noh

Serial No.: 09/817,762

Filing Date: March 26, 2001

For: MDR-Like ABC Transporter Gene From Plants

Confirmation No.: 7874

Group Art Unit: 1638

Examiner: Ibrahim, Medina Ahmed

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Assistant Commissioner for Patents
Washington DC 20231

Sir:

REPLY PURSUANT TO 37 CFR § 1.111

Responsive to the Official Action dated October 2, 2002, please amend the above-identified application as follows:

AMENDMENT

In the Specification:

Please replace the paragraph beginning on page 8, line 2 with the following rewritten paragraph:

With respect to RNA molecules of the invention the term "isolated nucleic acid" primarily refers to an RNA molecule encoded by an isolated DNA molecule as defined above. Alternatively, the term may refer to an RNA molecule that has been sufficiently